

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TEXAS
SHERMAN DIVISION

JOSEPH AIGBEDION, ET AL., §
§
Plaintiffs, § CIVIL ACTION NO. 4:24-CV-00475-
v. § SDJ-AGD
§
EVANSTON INSURANCE COMPANY, §
§
Defendant. §

**MEMORANDUM ADOPTING THE REPORT AND
RECOMMENDATION OF UNITED STATES MAGISTRATE JUDGE**

Before the Court is the Report and Recommendation (“Report”) of the United States Magistrate Judge in this action, this matter having been heretofore referred to the Magistrate Judge pursuant to 28 U.S.C. § 636. The Report, (Dkt. #19), recommends that Defendant Evanston Insurance Company's Motion to Strike Plaintiffs' First Amended Complaint, (Dkt. #13), be granted, that Defendant Oscar Andujo be dismissed as a party to this lawsuit, that Defendant Evanston Insurance Company's Rule 12(b)(6) Motion to Dismiss, (Dkt. #5), be granted and its Supplement to the 12(b)(6) Motion to Dismiss, (Dkt. #12), be denied as moot, and that this case be dismissed without prejudice. No Party filed an objection to the Report.

Having received the Report of the Magistrate Judge and all other relevant filings, the Court is of the opinion that the findings and conclusions of the Magistrate Judge are correct and adopts the Magistrate Judge's Report as the findings and conclusions of the Court.

It is therefore **ORDERED** that Defendant Evanston Insurance Company's Motion to Strike Plaintiffs' First Amended Complaint, (Dkt. # 13), is **GRANTED**. It is further **ORDERED** that Defendant Oscar Andujo is **DISMISSED** as a party to this lawsuit. It is further **ORDERED** that Defendant Evanston Insurance Company's Rule 12(b)(6) Motion to Dismiss, (Dkt. #5), is **GRANTED**. It is further **ORDERED** that Defendant Evanston Insurance Company's Supplement to its 12(b)(6) Motion to Dismiss, (Dkt. #12), is **DENIED as moot**. It is finally **ORDERED** that this case is **DISMISSED**.

So **ORDERED** and **SIGNED** this 26th day of March, 2025.



SEAN D. JORDAN
UNITED STATES DISTRICT JUDGE